

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:07-CR-113
)	
DANIEL GLEN HAMPTON)	

ORDER

This criminal case is before the court on the defendant's appeal of the magistrate judge's memorandum and order [doc. 118]. The government has not responded to the appeal within the time allowed, and the appeal is ripe for the court's review. Under 28 U.S.C. § 636(b), this court may reconsider any non-dispositive pretrial matter "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." The defendant argues that the magistrate judge erred in denying his motion for impeachment evidence, his motion for early disclosure of Jencks Act material, and his motion to reveal confidential informants.

The timing of disclosure of impeachment and Jencks Act materials is set out in the court's Order on Discovery and Scheduling [doc. 18]. The magistrate judge found that this case was not so unusual as to require early

disclosure of these materials, and this court finds that this conclusion was not clearly erroneous or contrary to law.

The defendant's motion seeking the identities of confidential informants is, in fact, a motion for information concerning unindicted co-conspirators. Any of these persons who are going to testify at trial need not be identified before trial. See, e.g., *United States v. Perkins*, 994 F.2d 1184, 1190-91 (6th Cir. 1993). Any unindicted co-conspirators who will not be testifying at trial are subject to the balancing test set out in *Roviaro v. United States*, 353 U.S. 53, 62 (1957). In this case, the defendant has not been charged with any substantive count involving the alleged sales to the unindicted co-conspirators, and it is difficult to see how revealing the identities of any of these persons who will not be testifying would help the defendant prepare a defense. The court finds that the magistrate judge's denial of the defendant's motion was not clearly erroneous or contrary to law.

Therefore, it is hereby **ORDERED** that the defendant's appeal of the magistrate judge's memorandum and order is **DENIED**.

ENTER:

s/ Leon Jordan
United States District Judge